

REMARKS

The application as currently on file remains unchanged. The above original claims are submitted to be patentable over the art of record in view of the following arguments.

The Examiner rejected claims 1-3, 5-19, 26-28 and 33-44 under 35 USC 102(b) as being anticipated by Heron et al., US Design Patent 295,011. The Examiner also rejected claims 4, 20-25 and 29-32 under 35 USC 103(a) as being unpatentable under Herron et al.

Claim 1, and hence all other claims depending thereon, contains the following limitation:

“(….)said body defining a cross-sectional first reference plane extending in a substantially perpendicular relationship with said body longitudinal axis and in register with said indentation second end, said indentation surface being configured and sized so that at least a section of said indentation surface is positioned forwardly relative to said first reference plane.”

As mentioned in the previous communication sent to the Patent Office, and as discussed in the telephone interview that took place between the undersigned and the Examiner on February 21, 2006, some of the Figures, for examples Figures 4-7, represent limiting cases of the invention wherein a section of the indentation surface is positioned only minimally forwardly relative to the first reference plane. The Applicant respectfully directs the Examiner to Figure 17 of the application as filed, an annotated copy of which is enclosed herewith. In this non-limiting embodiment of the invention, a first reference plane is indicated by the arrow “A” and the section of the indentation surface that is positioned

forwardly relative to the first reference plane is indicated by an arrow marked "B". The reference plane ("A") is substantially perpendicular to a longitudinal axis, marked "C" of the handle.

The Applicant respectfully submits that this specific embodiment of the invention illustrates the above-recited limitation claimed in claim 1. From this Figure, it can be seen that the limitation of claim 1 recited hereinabove is not present in Herron.

In addition, as agreed by the Examiner during the above-mentioned telephone conference, US Design Patent 397,018 do not illustrate a handle wherein the limitation of a "body defining a cross-sectional first reference plane extending in a **substantially perpendicular relationship with said body longitudinal axis** and in register with said indentation second end, said indentation surface being configured and sized so that at least a section of said indentation surface is positioned forwardly relative to said first reference plane." (emphasis added). Indeed, the handle shown in US Design Patent 397,018 could hardly be seen as defining a longitudinal axis as this handle is curved, and the presence of a plane substantially perpendicular to a longitudinal axis would therefore be undefined. In addition, the indentation seen in this Design Patent extends perpendicularly to adjacent portions of the handle. Therefore, if a longitudinal axis is defined adjacent the indentation, the indentation surface is not configured and sized so that at least a section of the indentation surface is positioned forwardly relative to a first reference plane perpendicular to a longitudinal axis of the handle.

Furthermore, the Applicant respectfully submits that the claimed invention is also not obvious in view of the two documents mentioned hereinabove. Indeed, the claimed invention has functional advantages with respect to the cited art and is not a trivial variation in design. More specifically, as mentioned at numerous places in the specification, in addition to serving as a guard to prevent a finger from moving, the claimed indentation produces a synergetic effect between the shape of the indentation and the orientation and positioning of the indentation that

- allows for gripping the handle through a combination of power and precision grips, hence allowing for a firm grip to be obtained without sacrificing on precision and accuracy (see for example page 12, 1st paragraph);
- corresponds to the normal physiological alignment of the digits when the latter are flexed separately at the metacarpophalangeal and proximal interphalangeal joints so that their respective axes physiologically converge towards the scaphoid tubercle; also, the configuration of an encircable section of the claimed handle allows the digits to be ergonomically wrapped, at least partially therearound; furthermore by having the digits urge the encircable portion against the palm of the hand of the user, the benefits of a power grip including strength and force are provided. Yet furthermore, by allowing the index and thumb fingers to be in opposition relative to each other, benefits of a pinch grip, including precision and accuracy are also provided. Yet furthermore, the configuration of the claimed handle is such that all of the fingers as well as the palm are provided with optimized contact surfaces so as to reduce the need for a strong gripping force to be applied and so as to distribute the stress on a larger contact surface hence reducing the pressure on the pressure points (see for example page 28).

Independent claim 38 includes the following limitation :

“said body defining a substantially fusiform encircable section located intermediate said body forward and rearward ends, said encircable section being configured and sized so as to be graspable between at least a portion of said palm and at least a portion of at least either one of said middle, ring or small fingers at least partially encircling said encircable section.”

Also, independent claim 39, and therefore all the claims that depend thereon, includes the following limitation:

“said body being configured so as to define a longitudinal cross-sectional configuration having a substantially fusiform encircable section tapering rearwards towards said body rearward end and frontwardly towards a neck section”

In opposition to these limitations, the handles shown in Heron and in US Design Patent 387,018 are not fusiform and instead define opposed top and bottom walls that are linked by side walls that are substantially perpendicular to the top and bottom walls. In other words, instead of being fusiform, the handles presented in these documents are “box-liked” with substantially flat side walls, which teaches away from a fusiform encircable section shown in the drawings.

The Applicant respectfully requests that the arguments presented in the communications filed on June 3, 2005 and on January 22, 2006 be reconsidered in view of the above.

It is respectfully submitted that when the rejection of the claims be reviewed in light of Applicant's arguments, the invention without a doubt should be considered patentably distinguished over the currently applied references. It is now believed the above application is in order for Allowance and such action would be appreciated.

Very Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Louis Tessier".

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Patent Agent